

ENF Environmental Notification Form

For Office Use Only
 Executive Office of Environmental Affairs

EOEA No.: 14071
 MEPA Analyst: Bill GAGE
 Phone: 617-626-1025

The information requested on this form must be completed to begin MEPA Review in accordance with the provisions of the Massachusetts Environmental Policy Act, 301 CMR 11.00.

Project Name: The Enclave at the Reservoir		
Street: Faunce Corner Road		
Municipality: Dartmouth	Watershed: Buzzard's Bay	
Universal Transverse Mercator Coordinates:	Latitude: 41.686874 Longitude: -70.995761	
Estimated commencement date: Spring 2008	Estimated completion date: Fall 2010	
Approximate cost: \$8,000,00.00 (construction)	Status of project design: 75% complete	
Proponent: Forest Park, Inc.		
Street: 158 Charles L. McCombs Boulevard		
Municipality: New Bedford	State: MA	Zip Code: 02745
Name of Contact Person From Whom Copies of this ENF May Be Obtained: Brian Madden, LEC Environmental Consultants, Inc.		
Firm/Agency: LEC	Street: 36 Cordage Park Circle, Suite 312	
Municipality: Plymouth	State: MA	Zip Code: 02360
Phone: 508-746-9491	Fax: 508-746-9492	E-mail: bmadden@lecenvironmental.com

- Does this project meet or exceed a mandatory EIR threshold (see 301 CMR 11.03)?
 Yes No
- Has this project been filed with MEPA before?
 Yes (EOEA No. _____) No
- Has any project on this site been filed with MEPA before?
 Yes (EOEA No. _____) No
- Is this an Expanded ENF (see 301 CMR 11.05(7)) requesting:
- a Single EIR? (see 301 CMR 11.06(8)) Yes No
 - a Special Review Procedure? (see 301 CMR 11.09) Yes No
 - a Waiver of mandatory EIR? (see 301 CMR 11.11) Yes No
 - a Phase I Waiver? (see 301 CMR 11.11) Yes No

Identify any financial assistance or land transfer from an agency of the Commonwealth, including the agency name and the amount of funding or land area (in acres): NONE.

Are you requesting coordinated review with any other federal, state, regional, or local agency?
 Yes (Specify _____) No

List Local or Federal Permits and Approvals:
NPDES Permit Stormwater during construction, MESA Conservation & Management Permit (321 CMR 10.23), Dartmouth Conservation Commission Orders of Conditions, Special Permit by the Dartmouth Planning Board for Open Space Residential Development, Definitive Subdivision Approva by Dartmouth Planning Board, and Building Permits (Filed or to be Filed).

Which ENF or EIR review threshold(s) does the project meet or exceed (see 301 CMR 11.03):

- | | | |
|---------------------------------|--|--|
| <input type="checkbox"/> Land | <input checked="" type="checkbox"/> Rare Species | <input type="checkbox"/> Wetlands, Waterways, & Tidelands |
| <input type="checkbox"/> Water | <input type="checkbox"/> Wastewater | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Air | <input type="checkbox"/> Solid & Hazardous Waste |
| <input type="checkbox"/> ACEC | <input type="checkbox"/> Regulations | <input type="checkbox"/> Historical & Archaeological Resources |

Summary of Project Size & Environmental Impacts	Existing	Change	Total	State Permits & Approvals
LAND				<input checked="" type="checkbox"/> Order of Conditions <input type="checkbox"/> Superseding Order of Conditions <input type="checkbox"/> Chapter 91 License <input type="checkbox"/> 401 Water Quality Certification <input type="checkbox"/> MHD or MDC Access Permit <input type="checkbox"/> Water Management Act Permit <input type="checkbox"/> New Source Approval <input type="checkbox"/> DEP or MWRA Sewer Connection/ Extension Permit <input checked="" type="checkbox"/> Other Permits <i>(including Legislative Approvals) – Specify:</i> Conservation & Management Permit (321 CMR 10.23)
Total site acreage	119.03			
New acres of land altered		23.02		
Acres of impervious area	0	4.5	4.5	
Square feet of new bordering vegetated wetlands alteration		4,980		
Square feet of new other wetland alteration		0		
Acres of new non-water dependent use of tidelands or waterways		0		
STRUCTURES				
Gross square footage	0	87,000	87,000	
Number of housing units	0	29	29	
Maximum height (in feet)	0	35	35	
TRANSPORTATION				
Vehicle trips per day	0	290	290	
Parking spaces	0	87	87	
WATER/WASTEWATER				
Gallons/day (GPD) of water use	0	12,760	12,760	
GPD water withdrawal	0	12,760	12,760	
GPD wastewater generation/ treatment	0	12,760	12,760	
Length of water/sewer mains (in miles)	0	0	0	

CONSERVATION LAND: Will the project involve the conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97?

Yes (Specify _____) No

Will it involve the release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction?

Yes (Specify _____) No

RARE SPECIES: Does the project site include Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities?

Yes (Specify: *Estimated Habitat (EH 409) and Priority Habitat (PH 1219) mapped for Eastern Box Turtle (Terrapene carolina), a Species of Special Concern. No Certified Vernal Pools exist on-site.*) No

HISTORICAL /ARCHAEOLOGICAL RESOURCES: Does the project site include any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?

Yes (Specify _____) No

If yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources?

Yes (Specify _____) No

AREAS OF CRITICAL ENVIRONMENTAL CONCERN: Is the project in or adjacent to an Area of Critical Environmental Concern?

Yes (Specify _____) No

PROJECT DESCRIPTION: The project description should include (a) a description of the project site, (b) a description of both on-site and off-site alternatives and the impacts associated with each alternative, and (c) potential on-site and off-site mitigation measures for each alternative (You may attach one additional page, if necessary.)

a.) Project Site Description

The proposed project, "The Enclave at the Reservoir" involves the construction of a 29-Lot residential subdivision on an 119.44± acre site located off Faunce Corner Road in Dartmouth, Massachusetts. The project is proposed under the Town of Dartmouth Zoning By-Laws as an Open Space Residential Development. Scattered single-family dwellings, agricultural fields, and undeveloped, forested land surround the property. The site affords frontage along Faunce Corner Road immediately opposite of the City of New Bedford "High Hill" Reservoir. Currently, the site is accessed via a woods road extending westerly to an open field. The early successional field habitat is centrally-located and primarily surrounded by mixed deciduous-evergreen forested upland and forested wetland habitat. An unnamed stream flows northwesterly through the western portion of the site, traversing through the southern portion of the forested wetland system ("Flag Swamp") and continuing across a powerline Right-of-Way (ROW) easement located within the northwesternmost portion of the site. Based on field observations, the stream appears to connect to the "Shingle Island Swamp" (forested wetland) northwest of the site. The eastern and central portions of the site are generally flat, however topography descends in a westerly direction from the central portion of the site.

As currently proposed, the 29-Lot subdivision layout, including the main subdivision roadway, accessory cul-de-sacs, and all 29 single-family lots comprise 23.28± acres (11.7%) of the 119.44± acre site. Correspondingly, approximately 96.16± acres of the site (80.5%), including the stormwater management areas, are proposed to remain as open space and protected in perpetuity by a Conservation Restriction (CR) executed with the Executive Office of Energy and Environmental Affairs (EOEEA). In order to gain access to the site, the proposed construction of the main subdivision entrance way, located within the existing woods road's footprint, will alter 4,980 square feet of Bordering Vegetated Wetland. The subdivision entrance will maintain a 20-foot wide roadway (2 lanes) with a 4-foot wide sidewalk on one side and a 0-2 foot wide shoulder abutting a series of permanent physical barriers. Typically, the Dartmouth Planning Board requires a 24-foot wide roadway with 5-foot wide sidewalks on both sides. In order to minimize wetland impacts, the Applicant has sought waivers to allow for a narrower roadway footprint and a narrower sidewalk on only the south side of the roadway. Thus in total, the roadway and associated permanent physical barriers will occupy a 29 foot wide footprint. Furthermore, the Applicant is proposing two wildlife crossing structures along the subdivision entrance, comprised of a 10-foot wide pre-cast arch culvert, approximately 3-4 feet high at the center of the arch.

b.) Alternatives

An original concept of a proposed project on the 119± acre site included a 240-Lot residential subdivision to be filed under the state's affordable housing law, M.G.L. c. 40B. Through consultation with the Town of Dartmouth, a 29-Lot subdivision was ultimately selected to be proposed as an Open Space Residential Development under the Town of Dartmouth Zoning By-Laws. During the early design phase, the project site did not occur within an Estimated Habitat of Rare Wildlife or Priority Habitat of Rare Species, however according to the 12th edition of the *Massachusetts Natural Heritage Atlas* (effective October 1, 2006), a portion of the project became mapped as Estimated/Priority Habitat. Following a Rare Species Information Request, the Natural Heritage and Endangered Species Program (NHESP) issued a letter on October 20, 2006, stating that Eastern Box Turtle (*Terrapene carolina*) have been found within the vicinity of the project site. Consequently, LEC Environmental Consultants, Inc., (LEC) was retained to conduct a Habitat Assessment and on January 16, 2007, the Applicant, LEC, and NHESP met to discuss the project. During the course of the meeting, NHESP expressed concerns with the amount of forested upland habitat alteration. This alternative design resulted in 29.06± acres (24.4%) of permanent habitat alteration on the 119.03± acre project site, including 29.26± acres (56.1%) of permanent forested upland habitat alteration (total forested upland = 52.12± acres). Based on the results of the meeting, the Applicant revised the proposed layout to afford greater project consolidation and forested upland habitat protection through roadway/lot redesign and the acquisition of additional land to accommodate the new layout. Consequently, the revised layout resulted in only 22.58± acres (41.2%) of permanent forested upland habitat alteration, 1.07± acres of which are comprised of stormwater management areas designed to function as *T. carolina* habitat. While a no-build alternative was considered, costs associated with acquiring additional land made this alternative unfeasible. Ultimately, the revised 29-Lot residential layout was selected to maximize project consolidation and open space land, while avoiding and minimizing impacts to *T. carolina* habitat.

c.) Mitigation

As described above, the original 29-Lot subdivision layout allowed for 89.67± acres (75.3%) of land to remain as open space protected under a CR, in comparison to 96.16± acres (80.5%) of the revised 29-Lot layout. In order to meet the permitting requirements enumerated under 321 (CMR 10.23) of the *Massachusetts Endangered Species Act* (MESA, M.G.L. c. 131A) and its implementing *Regulations* (321 CMR 10.00), the Project Proponent selected the revised 29-Lot residential subdivision, designed in a logical configuration as an Open Space Development. Accordingly, mitigation in the form of on-site land/habitat protection (long-term "net-benefit") will result in 96.16± acres (80.5% of the site) to remain as open space and permanently protected under a CR executed with EOEEA, thus enabling the permanent protection of significant *T. carolina* Overwintering, Feeding, Breeding, Nesting, and Migratory Habitat. Furthermore, the Project Proponent has committed to creating and maintaining portions of the on-site early successional field habitat and stormwater management areas as potential *T. carolina* Nesting Habitat. As previously mentioned, two crossing structures are proposed along the subdivision entrance way to allow for *T. carolina* movement. Permanent physical barriers are also proposed to prevent *T. carolina* individuals from entering the roadway and facilitate movement through the crossing structures.

Subsequent to filing the ENF, the Project Proponent will be filing a Conservation and Management Permit Application with NHESP to ensure the proposed 29-Lot residential subdivision project and discussed mitigation and net benefit measures meet the performance standards of 321 CMR 10.23 as previously discussed.